

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PRINCE KNIGHT

PLAINTIFF

v.

CAUSE NO. 3:18CV34-LG-LRA

WARDEN L. SHULTS; et al.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
IN PART AND DENYING IN PART MOTION TO DISMISS**

BEFORE THE COURT is the [47] Report and Recommendation of United States Magistrate Judge Linda R. Anderson, recommending that the [32] Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Defendant Warden L. Shults be granted in part and denied in part. Magistrate Judge Anderson determined that Plaintiff Prince Knight – an inmate incarcerated at the Federal Correctional Complex in Yazoo City, Mississippi – has failed to state a claim against Shults for (1) violation of his First Amendment right to freely exercise his religion, (2) violation of the Religion Land Use and Institutionalized Persons Act (“RLUIPA”), and (3) violation of his Equal Protection Rights under the Fifth Amendment. However, Judge Anderson concluded that additional briefing should be ordered as to Knight’s claim under the Religious Freedom Restoration Act (“RFRA”). Neither party has objected to the Magistrate Judge’s findings and conclusions, and the time for doing so has passed.

Where no objection has been filed, the Court need only review the Report and Recommendation to determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having

conducted the required review, the Court finds the Magistrate Judge's findings and conclusions neither clearly erroneous nor contrary to law. Therefore, the Report and Recommendation will be adopted as the findings of this Court. Plaintiff's Religious Exercise, RLUIPA, and Equal Protection claims against Defendant Shults are dismissed for failure to state a claim. Plaintiff's RFRA claim will not be dismissed at this time because the Court requires additional briefing and evidence related to this claim.

IT IS THEREFORE ORDERED AND ADJUDGED that the [47] Report and Recommendation entered by United States Magistrate Judge Linda R. Anderson on February 11, 2019 is **ADOPTED** as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the [32] Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Defendant Warden L. Shults is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted insofar as Plaintiff's Religious Exercise, RLUIPA, and Equal Protection claims against Warden Shults are dismissed for failure to state a claim. The Motion is denied to the extent that it seeks dismissal of Plaintiff's RFRA claim against Warden Shults. Additional briefing and the submission of additional evidence related to this claim will be required by separate Court order.

SO ORDERED AND ADJUDGED this the 6th day of March, 2019.

sl Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE